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On September 18, 2002

By Linda J. Schiff

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jurgen M. Lehmann, *et al.*

Application No.: 09/760,364

Filed: January 12, 2001

For: CAR MODULATORS:
SCREENING AND TREATMENT OF
HYPERCHOLESTEROLEMIA

Examiner: Joseph Murphy

Art Unit: 1646

**RESPONSE TO RESTRICTION
REQUIREMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed August 20, 2002, Applicants elect, with traverse, to prosecute the subject matter of Group I, claims 1-9, 33-41, drawn to a method for identifying a therapeutic agent for use in treating a CAR-mediated disorder or condition in an animal, classified in class 435, subclass 7.21.

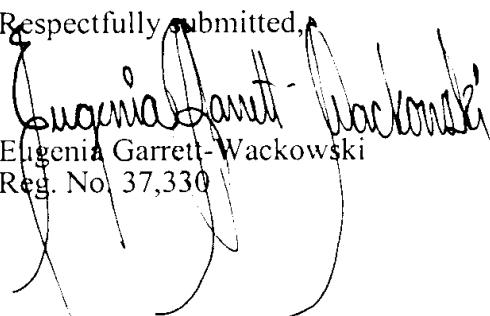
The foregoing election is made with traverse. Examination of the subject matter recited in the claims of Groups I-VI would not place a substantially greater burden on the Examiner. Accordingly, Applicants respectfully request the Examiner to withdraw the Restriction Requirement and to consider claims 1-59 together in the present case.

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If the Examiner has any questions regarding Applicants' election, or if the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (925) 472-5000.

Respectfully submitted,


Eugenia Garrett-Wackowski

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